

REMARKS

In response to the final office action of February 13, 2009, applicants ask that all claims be allowed. Claims 1-23 are now pending with claims 1 and 7 being independent. Claims 1, 3, 4, 7, 11, 12, 16-18, 21 and 22 are amended. Support for the amendments can be found at least in Fig. 1 and in paragraphs 19 and 20 of the specification, as published. No new matter has been introduced.

Request for an interview with the Examiner in advance of a new office action

Applicants have made numerous attempts to contact the Examiner to schedule an interview in advance of filing this paper, each of which was unsuccessful. Additionally, to date, applicants' have not received any communication in reply to requests that the examiner contact applicants' representative. Since applicants were unable to arrange for an interview before responding, applicants respectfully request the opportunity to interview the Examiner before any subsequent action is issued in this application. Thus, applicants request that no action be taken until applicants have had such an opportunity. Additionally, applicants request that the Examiner contact applicants' undersigned representative if an interview has not been scheduled by the time the Examiner reviews this paper.

Consideration of claims 15-23

Applicants note that the office action stated, at page 2, that "claims 15-23 have been added. Therefore, claims 1-23 are pending and addressed below." However, only claims 1-14 were actually addressed. Thus, applicants' request that the specific grounds for rejection or reasons for allowability that apply to claims 15-23 be set forth in the next action from the office.

Claim rejections under 35 USC § 102

Claims 7, 8, and 10-14 were rejected as being anticipated by United States Patent No. 5,794,210 ("Goldhaber"). Reconsideration and withdrawal of the rejection are requested because Goldhaber fails to disclose or suggest "receiving, at an ad server computer, a plurality of advertisement requests from a user node, each advertisement request being generated by the user node in response to processing a link received from a first affiliate node in response to a prior content request sent from the user node to the first affiliate node," as now recited in claim 7.

Specifically, Goldhaber does not disclose a user node that processes a link received from a first affiliate node to generate a request for an advertisement from an advertisement server. The office action cited Fig. 11 of Goldhaber as illustrating that a user "receives content requested (at a user node), e.g. content items 62(1-3) ... and item 63 is a link (from affiliate)." *See* office action at pages 2-3. The content items 62(1)-62(3) of Goldhaber are thumbnail descriptions of advertisements retrieved for the user. The thumbnail descriptions are not retrieved based on processing the cited link 63, or any other link. Moreover, even if the link of Goldhaber was "from [an] affiliate," as argued in the office action, the link of Goldhaber is not "received from a first affiliate node in response to a prior content request," i.e., a content request sent prior to the request for advertisements sent to the advertisement server. Simply stated, the simple process of Goldhaber that retrieves advertisements in response to a direct request from a user cannot reasonably be stretched to cover the process recited in claim 7, which recites that advertisements are selected at an ad server after content is requested from an affiliate node, and based on a link sent to the user node from the affiliate node, which link causes the user node to request the advertisements.

Applicants note that at pages 7-8 of the final office action, a user request for direct contact from a merchant is cited in a response to remarks made by applicants in a prior response. Particularly, the office action stated that such user request for direct contact from a merchant "inherently provid[es] a link to an affiliate ad server." However, the cited portion of Goldhaber discloses that after selecting an advertisement from a list of advertisements, a user may be asked if further direct contact is desired. *See* cols. 7-8 generally, and col. 7, lines 62-63 of Goldhaber,

which states, “the ad might ask [the user] if she is interested in having the merchant contact her directly.” Since it is only after the user has clicked on one of the listed ads that the user can request direct contact from the merchant, this disclosure of Goldhaber is irrelevant to the link recited in claim 7, which is received by the user node before requesting advertisements.

For at least these reasons, withdrawal of the rejection of independent 7 and its dependent claims 8 and 10-14 is requested.

Claim rejections under 35 USC § 103

Claims 1-6 and 9 were rejected as being unpatentable over Goldhaber.

Claim 1 recites that an “advertisement request is generated by the user node in response to processing a link received from a first affiliate node in response to a prior content request sent from said user node to said first affiliate node,” which is similar to the features of claim 7 discussed above. Claim 9 depends from claim 7, and thus includes the features of claim 7 discussed above. Thus, for reasons similar to those discussed above with respect to claim 7, the rejection of claims 1-6 and 9 should be withdrawn.

Additionally, claim 1 recites “a memory storing instructions for a report process adapted to be executed by said processor to generate a report about the placement of advertisements,” and claim 9 recites “generating a report about a placement of advertisements.” The remarks set forth in the previous responses regarding these claim features, and regarding the failure of Goldhaber to disclose or suggest such features, are repeated here. Reconsideration of these remarks, and of the rejection of claims 1-6 and 9 based on argument set forth on page 6 of the office action, are requested.

Conclusion

Applicants request that the amendments to the claims be entered and that all claims, including claims 15-23 be examined. Reconsideration and withdrawal of the rejections of claims 1-14 are also requested.

Payment in the amount of \$810.00 for the requisite fee for a request for continued examination is made concurrently with this filing on the Electronic Filing System by way of deposit account authorization. Please apply any additional required charges or credits to deposit account 06-1050.

Respectfully submitted,

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